

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT

JUN 02 2021

for the

District of New Mexico

MITCHELL R. ELFERS
CLERK OF COURT

United States of America

v.

Jose Alfredo MORALES

Case No.

21-744 MJ

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 14 -19, 2021 in the county of Dona Ana in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon in possession of ammunition

This criminal complaint is based on these facts:

See Attachment A, attached and incorporated herein.

☒ Continued on the attached sheet.



Complainant's signature

Jared Kattah, ATF Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: June 2, 2021



Judge's signature

City and state: Las Cruces, New Mexico

Carmen E. Garza, US Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

UNITED STATES OF AMERICA

V.

Jose Alfredo MORALES

AFFIDAVIT

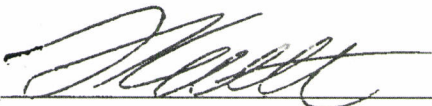
1. Your affiant, Jared Kattah, is a Special Agent (S/A) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been employed since September 2015. As part of training to become an ATF Special Agent, your affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your affiant has been certified as a Federal Investigator and has received specific training involving violations of federal law. Your affiant has also received ATF specific training in the determination of probable cause and in the use of warrants and complaints to enforce federal firearms laws. Your affiant is currently assigned to the Las Cruces, New Mexico Field Office.
1. Your affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents and officers who are involved in the investigation Jose A. MORALES. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation, but are only a summary of facts necessary to set forth probable cause in support of the criminal complaint and does not purport to set forth all of the affiant's knowledge regarding this investigation.
2. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 United States Code § 922(g)(1), for any person who has been convicted of a felony crime punishable by imprisonment for a term exceeding one year, to possess ammunition in or affecting interstate commerce.

CRIMINAL COMPLAINT - CONTINUED

3. On May 15, 2021, officers with the Doña Ana County Sheriff's office responded to a location in La Union, New Mexico, regarding a strangulation that had taken place. Once officers arrived on scene, they spoke to an individual, hereinafter "Victim 1," who alleged that, *inter alia*, MORALES had beaten and strangled her at MORALES's residence on May 14, 2021. Based on the allegations made by Victim 1 MORALES was charged in New Mexico state court with the following felony offenses: 1) Kidnapping (First Degree); 2) Trafficking (By Possession with Intent to Distribute) (Cocaine); 3) Aggravated Battery Strangulation or Suffocation (Household Member); and 4) three counts of Battery Against a Household Member.
4. That same day, on May 15, 2021, officers with the Doña Ana County Sheriff's office obtained a state district court search warrant for MORALES's residence. Prior to obtaining the search warrant, they learned from Victim 1 that MORALES was the sole occupant of his residence in La Union, New Mexico. During the execution of the search warrant, in the kitchen area of the home, officers observed a silver container with multiple rounds of .38 special caliber ammunition, two rifle magazines containing rifle ammunition, and other unknown rounds of ammunition.
5. On May 19, 2021, officers with the Doña Ana County Sheriff's office obtained a second state district court search warrant for MORALES's residence. During the execution of the warrant, officers observed in plain view a round of ammunition. Your affiant was notified, and your affiant obtained a federal search warrant to enter MORALES's residence to seize the ammunition. Your affiant located three rounds of ammunition in total at the residence.
6. Your affiant conducted a records check on MORALES and learned that he has been previously convicted of the following felony offenses in New Mexico state court: 2010 convictions for Shooting at or from a Motor Vehicle (Personal Injury), Aggravated Battery (Deadly Weapon), Aggravated Assault (Deadly Weapon), Child Abuse-Negligently Caused (No Death or Great Bodily Harm) (NM Court Case # D-307-CR-200900982); and 2011 conviction for Battery Upon a Peace Officer (NM Court Case #307-CR-201000875).

CRIMINAL COMPLAINT - CONTINUED

7. On May 25, 2021, MORALES was arrested on the state charges listed in paragraph four above. A detective with Doña Ana County Sheriff's office read MORALES his *Miranda* rights and MORALES agreed to waive his rights and be interviewed. During the interview, MORALES was asked about the ammunition recovered from his residence. MORALES denied that the ammunition was his, but did admit that he was aware the ammunition was there and admitted that he had handled the ammunition. MORALES additionally admitted that he was aware he was a felon and that he was not allowed to possess firearms or ammunition. MORALES also advised that no one else resides at the residence.
8. Your affiant spoke to ATF Special Agent Matthew Schieno, who has specialized training regarding interstate nexus for firearms and ammunition. Special Agent Schieno observed the ammunition seized from MORALES' residence and opined that neither of the three rounds were manufactured in the state of New Mexico.
9. Based upon the above information, your affiant believes that there is probable cause that Jose Alfredo MORALES, who after having been convicted of a felony, illegally possessed ammunition that had moved in or affected interstate commerce, in violation of Title 18 U.S.C § 922(g)(1). This violation occurred in the city of La Union, in the County of Doña Ana, in the District of New Mexico.
10. This criminal complaint was approved by AUSA Marisa Ong.



Jared M. Kattah, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before

me this 2 day of June, 2021



CARMEN E. GARZA
U.S. MAGISTRATE JUDGE